

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MARILYN LUCEY,  
Plaintiff,  
v.  
HARTFORD LIFE and ACCIDENT INSURANCE COMPANY,  
Defendant.

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04-CV-10800-NG  
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**DEFENDANT HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY'S  
REQUEST FOR LEAVE TO FILE A SUPPLEMENTAL BRIEF REGARDING THE  
RECENT FIRST CIRCUIT OPINION, ESTABLISHING CONTROLLING PRECEDENT**

Defendant Hartford Life and Accident Insurance Company ("Hartford") hereby requests leave of this Court to submit its Supplemental Brief regarding the recent First Circuit Opinion, Orndorf v. Paul Revere Life Insurance Company, No. 04-1520 (1<sup>st</sup> Cir. April 15, 2005). Orndorf establishes controlling precedent, which renders Plaintiff's Motion to Define the Proper Scope of the Record For Judicial Review moot.

Respectfully submitted,

Defendant Hartford Life & Accident Insurance Company

By its Attorneys,



David B. Crevier, BBO. No. 557242  
Katherine R. Parsons, BBO No. 657280  
CREVIER & RYAN, LLP.  
1500 Main Street, Suite 2020  
Springfield, MA 01115-5727  
Tel: (413) 787-2400  
Facsimile: (413) 781-8235  
Email: dcrevier@crevierandryan.com  
kparsons@crevierandryan.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on counsel to all other parties to this action by first class U.S. mail, postage prepaid, this 20<sup>th</sup> day of April, 2005.

Katherine B. Bo